

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, DECEMBER 7, 2004
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

BECAUSE THERE IS TO BE NO REGULAR BUSINESS TO BE CONDUCTED AT THE CITY COUNCIL MEETING OF MONDAY, PLEASE NOTE ON THE CITY COUNCIL AGENDA THAT THE CLOSED SESSION WILL COMMENCE FOLLOWING THE REGULARLY SCHEDULED OPEN SESSION THAT DAY, AND THAT THE OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL ON THE CLOSED SESSION ITEMS WILL BE PLACED ON THE AGENDA FOR THE REGULARLY SCHEDULED OPEN SESSION THAT DAY.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Valerie O’Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918

DCA assigned: FitzGerald

This case involves a challenge to the City’s use and maintenance of the area commonly known as the “Children’s Pool” in La Jolla under the 1931 state tidelands trust that granted the property to the City. In closed session, the City Attorney will advise the mayor and City council of the status of the matter and seek appropriate direction.

CS-2 *United States of America v. City of San Diego*
U.S. District Court No. 03-CV-1349-K

State of California v. City of San Diego
U.S. District Court No. 03-CV-1381-J

San Diego BayKeeper / Surfrider Foundation v. City of San Diego
U.S. District Court No. 01-CV-0550-B

DCA assigned: Bromfield

Each of these lawsuits alleges violations of the federal Clean Water Act due to sewer system overflows experiences by the City from December 1996 to the present. For judicial economy, all cases have been consolidated and the parties have been exploring potential resolutions involving settlement documents that would resolve all of the actions.

The City Attorney will discuss the strengths and weaknesses of the City's position and seek direction on settlement options.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-3 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local
127 AFSCME, AFL-CIO, Local 145
International Association of Firefighters
AFL-CIO, San Diego Police Officers Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, 3) retirement benefits, including the recommendations from the Pension Reform Committee, and 4) Presidential Leave and Presidential Benefit for union presidents. The City Manager and staff will request instructions from the City Council as to those matters.

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-4 Title: City Auditor and Comptroller

In closed session the City Council will consider its options with respect to the City Auditor and Comptroller position.